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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: WALLACH=24

In re Application of:)	Art Unit: 1642
)	
David WALLACH)	Examiner: M. Davis
)	
Appln. No.: 09/445,223)	Washington, D.C.
)	
Filed: December 6, 1999)	May 29, 2001
)	
For: MODULATORS OF)	
INTRACELLULAR INFLAMMATION))	
CELL DEATH, AND ...)	

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AMENDMENT

Honorable Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action of March 28, 2001,
petition for a one-month extension of time and payment thereof
being attached hereto, please amend as follows:

IN THE CLAIMS

Delete claims 1-4, 9 and 10 and substitute therefor
new claims 40-48 as follows:

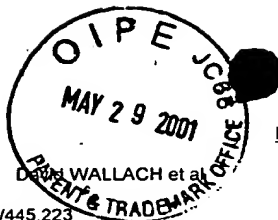
C1
40. A polypeptide which directly or indirectly
potentiates cell death, said polypeptide consisting of:
(a) a sequence comprising SEQ ID NO:1;
(b) a sequence comprising an analog of (a) having
no more than ten changes in the amino acid sequence of (a),
each said change being a substitution, deletion or insertion
of a single amino acid, which analog potentiates cell death;

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: DANIEL WALLACH et al
Application No.: 90/445,223
Filed: December 6, 1999
For: MODULATORS OF INTRACELLULAR INFLAMMATION, CELL DEATH, AND ...

Art Unit: 1642
Examiner: M. Davis
Washington, D.C.
Atty.'s Docket: WALLACH=24
Date: May 29, 2001

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THE COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Sir:

Transmitted herewith is a ☒ Amendment ☒ Response to Restriction Requirement
in the above-identified application.

- ☐ Small Entity Status: Applicant(s) claim small entity status. See 37 C.F.R. §1.27.
☐ No additional fee is required.
☒ The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)		(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR		PRESENT EXTRA EQUALS
TOTAL	* 34	MINUS	** 39		0
INDEP.	* 5	MINUS	*** 5		0

FIRST PRESENTATION OF MULTIPLE DEP. CLAIM

ADDITIONAL FEE TOTAL

SMALL ENTITY	
RATE	ADDITIONAL FEE
x 9	\$
x 40	\$
+ 135	\$
ADDITIONAL FEE TOTAL	
\$	

OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE
x 18	\$
x 80	\$
+ 270	\$
TOTAL	
\$	

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.
*** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

☒ Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

☒ It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

- ☐ First - \$ 55.00
☐ Second - \$ 195.00
☐ Third - \$ 445.00
☐ Fourth - \$ 695.00

Month After Time Period Set

Other Than Small Entity

Response Filed Within

- ☒ First - \$ 110.00
☐ Second - \$ 390.00
☐ Third - \$ 890.00
☐ Fourth - \$ 1390.00

Month After Time Period Set

☐ Less fees (\$) already paid for month(s) extension of time on .

☐ Please charge my Deposit Account No. 02-4035 in the amount of \$.

☒ Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$ 110.00.

☐ A check in the amount of \$ is attached (check no.).

☒ The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK

Attorneys for Applicant(s)

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